



THE DISTRICT ATTORNEY OF DUTCHESS COUNTY

236 MAIN STREET
POUGHKEEPSIE, N. Y. 12601
(845) 486-2300
FAX (845) 486-2324

WILLIAM V. GRADY
DISTRICT ATTORNEY

BRIDGET R. STELLER
Chief Assistant District Attorney

BUREAU CHIEFS
Edward F. Whitesell
Marjorie J. Smith
Frank F. Chase
Matthew A. Weishaupt
Edward T. McLoughlin

August 29, 2008

MEMO ENDORSED

Honorable Lisa Margaret Smith
United States Magistrate Judge
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4150

Re: Miller v. Napoli
08 CV 5286 (KMK) (LMS)

Dear Judge Smith:

On or about June 30, 2008, the District Attorney of Dutchess County received a copy of your Order in the above captioned case directing the Respondent to Answer the Petition for a Writ of Habeas Corpus (28 U.S.C. § 2254) within sixty days. By my calculations the Respondent's Answer should have been filed on or before August 25, 2008. Although I prepared an answering Affidavit and filed it with this Court, I have been unable to complete the Respondent's Memorandum of Law timely and by this letter I am requesting a two week extension to file that Memorandum of Law – until September 8, 2008.

Although I had expected to complete the Memorandum on time, preparation was delayed somewhat due to a computer problem which has now been resolved.

Thank you for your consideration of this request.

Very truly yours,

Bridget Rahilly Steller
BRIDGET RAHILLY STELLER
Chief Assistant District Attorney

cc: Johnny Miller, 05-A-5419
Southport Correctional Facility
P.O. Box 2000
Pine City, New York 14871

USDC SDNY
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Deemed better motion. Motion granted. So ORDERED. Lisa Margaret Smith 9/1/08